

HOUSE BILL 3793

By Sargent

AN ACT to amend Tennessee Code Annotated, Title 66,
Chapter 29, relative to abandoned or unclaimed
property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-29-102, is amended by adding
the following as new, appropriately designated subdivisions:

() "Return" means any information return, declaration of estimated payment or
any other return that is filed with or submitted to the treasurer by, on behalf of, or with
respect to, any person, and any amendment or supplement thereto, including supporting
schedules, attachments, or lists that are supplemental to, or part of, any return so filed or
submitted;

() "Abandoned or unclaimed property information" means a person's identity;
the nature, source, or amount of payments being submitted to the treasurer whether the
person's return was, is being, or will be, examined or subject to other investigation or
processing; and any other data directly or indirectly associated with such person or
return being filed with the treasurer including the audit and audit workpapers of agents of
the treasurer conducting audits of such person. For purposes of this subdivision,
"person's identity" means the name of a person subject to filing returns administered by
the treasurer, the person's mailing address, the person's taxpayer identifying number or
any account number, or a combination thereof;

SECTION 2. Tennessee Code Annotated, Title 66, Chapter 29, Part 1, is amended by
adding the following as a new appropriately designated Section:

§ 66-29-1__.

Notwithstanding any other provision of law to the contrary, returns and abandoned or unclaimed property information shall be confidential and, except as authorized by this part, no officer or employee or agent of the treasurer or the state who has, or had, access to such information shall disclose any such information obtained in any manner in connection with such officer's, employee's, or agent's services for the treasurer or state.

SECTION 3. Tennessee Code Annotated, Title 66, Chapter 29, Part 1, is amended by adding the following language as a new, appropriately designated section:

§ 66-29-1__.

(a) It is a Class E felony for any person who has, or had at any time, access to any return or return information to knowingly disclose to any person except as authorized by law any such return or return information. If such violation is committed by an officer, employee, or agent of the treasurer or the state, such officer, employee, or agent shall, in addition to any other punishment, be dismissed from office or discharged from employment upon conviction of such offense.

(b) It is a Class E felony for any person to offer any item of material value in exchange for any return or return information and to receive as a result of such solicitation any such return or return information.

(c) It is a Class E felony for any officer, employee, or agent of the treasurer to knowingly inspect any return or tax information, except when the employee has a good faith and objectively reasonable basis for believing such inspection is in furtherance of the employee's duties or responsibilities.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it and shall apply to violations occurring on or after such date.

